

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Biennial Regulatory Review--  
Amendment of Parts 1, 22, 24, 27,  
and 90 to Streamline and Harmonize  
Various Rules Affecting Wireless  
Radio Services

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WT Docket No. 03-264

TO: The Commission

**COMMENTS OF NATIONAL ASSOCIATION OF  
MANUFACTURERS AND MRFAC, INC.**

The National Association of Manufacturers ( the“NAM”) and MRFAC, Inc. (“MRFAC”) (collectively, “NAM/MRFAC”), by their counsel, hereby submit comments on certain aspects of the Notice of Proposed Rulemaking (“Notice”), FCC 03-334, released January 7, 2004, in the above-captioned proceeding. These comments are limited to aspects of the Notice dealing with frequency coordination, and power/height limitations applicable to incumbent licensees.

**Introduction**

The NAM -- representing an employment base of 18 million people manufacturing products in the United States -- is the nation’s largest and oldest multi-industry trade association. The NAM represents 14,000 member companies (including 10,000 small and mid-sized manufacturers) and 350 member associations serving manufacturers and employees in every industrial sector and all 50 states. Headquartered in Washington, D.C., the NAM has 10 additional offices across the country.

MRFAC is one of the Commission’s certified frequency coordinators for the private land mobile bands from 30 to 900 MHz. MRFAC began its operations over 25 years ago as the frequency coordinating arm for the NAM. For the past two decades, MRFAC has operated independently, providing coordination and licensing-related services for manufacturers and other

industrial and business entities. MRFAC has long participated in spectrum rule makings affecting the interests of manufacturers.

### **Background**

By means of the subject Notice, the Commission proposes to make a number of deregulatory changes in its Rules. These proposals are in furtherance of the biennial review process mandated by Congress in Section 11 of the Communications Act. 47 U.S.C. Section 161. Section 11 requires the Commission every two years to review those of its rules applicable to providers of telecommunications services in order to determine whether any such rules are “no longer necessary in the public interest as the result of meaningful economic competition.” The instant Notice grows out of proposals made in the course of the 2000 and 2002 Biennial Reviews to streamline or eliminate certain rules.<sup>1</sup>

The Notice proposes to dispense with frequency coordination for licensees electing to delete one or more channels or sites from a license. Notice at para. 9. The Notice also proposes to allow exclusive-use General Category applicants to modify their systems without frequency coordination provided the interference contour is not expanded (shared channel licensees would remain subject to coordination due to increased interference concerns). Id. at para. 20. Finally, the Notice invites comment on proposals to relax the power and height limits applicable to suburban 800/900 MHz systems so as to conform same with the power and height available for urban systems (500 watts vs. 1,000 watts), as well as expand height/power limits for campus-type systems.

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<sup>1</sup> See 2000 Biennial Regulatory Review, CC Docket No. 00-175, Report, 16 FCC Rcd 1207 (2001); 2002 Biennial Regulatory Review, GC Docket No. 02-390, Report, FCC 02-342 (rel. Mar. 14, 2003).

## **Discussion**

NAM/MRFAC support elimination of frequency coordination for licensees looking to delete one or more frequencies or sites from a multi-frequency/multi-site authorization. As the Notice suggests, frequency coordination serves no purpose in this instance. Id. at para. 8. Moreover, requiring coordination in this situation is inconsistent, at least in part, with the fact that a licensee surrendering an entire license need not go through frequency coordination.

Licensees need provide no special notification to coordinators of a frequency/site deletion. Licensees are required to file notifications of minor modifications with the Commission within 30 days of the change pursuant to Rules 1.929 and 1.947. Coordinators routinely obtain such information via regular downloads from the Universal Licensing System. Thus, in this instance, separate notification to coordinators would appear unnecessary.

Insofar as the General Category coordination issue is concerned, NAM/MRFAC likewise support the proposal: Rule 90.693 already allows modification of incumbent systems without prior Commission approval provided the 22 dBu contour is not increased. While this could be read as applicable to shared channel licensees as well, concerns about modification of shared channel systems (much less applications for new systems) without coordination remain, as the Commission observes. See id. at para. 20. Even though the number of such systems may be comparatively small, NAM/MRFAC support the Notice's "go-slow" approach relative to shared channels. Thus, NAM/MRFAC agree that the relief should be limited to exclusive use systems at this juncture.

Finally, NAM/MRFAC support harmonization of the power and height limits for 800/900 MHz suburban and campus-type systems with those for urban systems. Larger

manufacturers often operate plants spread over extended areas. These NAM/MRFAC members could benefit from the proposed relaxation by helping them offset interference from cellular-type systems. Moreover, the change would eliminate the imposition of unnecessary regulatory burdens and costs on incumbent licensees which might otherwise be forced to spend capital on multiple antenna sites where coverage from one, higher-powered site and/or higher-mounted antenna would do the job.

### **Conclusion**

For the reasons stated, the Commission should dispense with frequency coordination for licensees proposing to delete frequencies or sites; dispense with coordination for the exclusive use systems referenced above; and relax the power/height limits for suburban and campus-type systems.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
MANUFACTURERS and MRFAC, INC.**

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